

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
JOEL RICH and MARY RICH,

Plaintiffs,

v.

FOX NEWS NETWORK, LLC, MALIA
ZIMMERMAN in her individual and professional
capacities, and ED BUTOWSKY, in his individual
and professional capacities,

Defendants.
----- X

Civil Action No. 1:18-cv-02223 (GBD)

**PLAINTIFFS' OPPOSITION TO DEFENDANT ED BUTOWSKY'S
MOTION FOR A PROTECTIVE ORDER**

Plaintiffs have been informed that Defendant Ed Butowsky intends to withdraw his Motion for a Protective Order (Dkt. 156) pending further negotiations, as Mr. Butowsky filed the motion without first meeting and conferring, as required by Federal Rule of Civil Procedure 26(c)(1), and without requesting an informal conference by letter motion, as required by Local Rule 37.2. Mr. Butowsky's counsel informed Plaintiffs' counsel on July 9, and again on July 10, that he intends to withdraw the motion and will do so over the weekend. Because that withdrawal has not yet been filed, and because Plaintiffs' response is due today, in an abundance of caution Plaintiffs file this opposition to the motion. Among other reasons the motion should be denied for failure to comply with Rule 26(c) and Local Rule 37.2. Plaintiffs anticipate the motion will be withdrawn shortly, and that the parties will attempt to resolve the dispute without court action. If a pre-motion letter is thereafter submitted to the Court, Plaintiff will substantively respond consistent with this Court's rules.

Dated: July 10, 2020

Respectfully submitted,

By: /s/ Elisha B. Barron

MASSEY & GAIL L.L.P.
Leonard A. Gail (*pro hac vice*)
Eli J. Kay-Oliphant (EK8030)
Suyash Agrawal (SA2189)
50 East Washington Street, Suite 400
Chicago, IL 60602
Telephone: (312) 283-1590
lgail@masseygail.com
ekay-oliphant@masseygail.com
sagrawal@masseygail.com

SUSMAN GODFREY LLP
Arun Subramanian (AS2096)
Elisha Barron (EB6850)
Beatrice Franklin (BF1066)
1301 Avenue of the Americas, 32nd Floor

New York, NY 10019
Telephone: (212) 336-8330
asubramanian@susmangodfrey.com
ebarron@susmangodfrey.com
bfranklin@susmangodfrey.com

Attorneys for Plaintiffs Joel and Mary Rich

CERTIFICATE OF SERVICE

I hereby certify this 10th day of July, 2020, that I caused a true and correct copy of the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification to the attorneys of record.

s/ Elisha Barron
Elisha Barron